

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36117

STATE OF IDAHO,)	2010 Unpublished Opinion No. 414
)	
Plaintiff-Respondent,)	Filed: April 1, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
ALEJANDRO DIAZ CRUZ,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael R. Crabtree, District Judge.

Judgment of conviction and unified sentence of twenty years, with a minimum period of confinement of fifteen years, for battery with intent to commit rape and a concurrent unified term of life imprisonment, with a minimum period of confinement of fifteen years, for lewd conduct with a minor child under sixteen, affirmed.

Molly J. Huskey, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

Alejandro Diaz Cruz pled guilty to battery with intent to commit rape, I.C. §§ 18-903, 18-911, and lewd conduct with a minor child under sixteen, I.C. § 18-1508. The district court sentenced Cruz unified term of twenty years, with a minimum period of confinement of fifteen years, for battery with intent to commit rape and a concurrent unified term of life imprisonment, with a minimum period of confinement of fifteen years, for lewd conduct with a minor child under sixteen. The district court also imposed a civil penalty of \$5,000. Cruz filed an I.C.R. 35 motion for reduction of his sentences, which the district court denied. Cruz appeals.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Cruz's judgment of conviction and sentences are affirmed.